



Mayor	Lee
Catone	Hensley
Garrison	Parker
Watson	Sislow
Smith	Olier
Traxier	FILE

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Diamondhead, Mississippi**  
**Diamondhead City Hall**  
**June 26, 2013**  
**2:00 p.m.**

1. Call to Order – at 2:06 p.m. by Chairman Thomas Sislow.
2. Statement of Purpose – Read by Commissioner Nita Hensley.
3. Pledge of Allegiance – recited by all present.
4. Roll Call- The following Commissioners were present- Denise Catone, Nita Hensley, Chuck Garrison, Jane Lee, Norm Parker, Roger Smith and Thomas Sislow. Also present were Deonne Olier, Planning and Zoning Administrator, Amanda Traxler, Planning and Zoning Attorney, Attorney Victor Franckiewicz and Lucille Morgan, Court Reporter/Notary.
5. Approval of the Minutes – There were no corrections or additions to the minutes of the June 21, 2013 meeting. They were approved as presented with motion from Commissioner Parker, and seconded by Commissioner Smith. Motion carried unanimously.
6. Confirmation or adjustments to the agenda- none presented.
7. Public Hearing

**Presentation of Planning Commission Cases:**

- I. Case No. 2013-05 Walter Gex III and Kathleen Gex- Variance request for the side yard setback to be 5ft Instead of 10ft for a covered patio addition to an existing dwelling in an R-1 district located at 753 Turnberry Drive.

Public Comments on the case- Mr. Walter Gex III addressed the commission regarding his setback.

Chairman Thomas Sislow cited Zoning Ordinance 5.4.2 (G) pg. 69, stating there would be no variance needed as his setback was grandfathered.

Planning and Zoning Attorney, Amanda Traxler advised Mr. Gex III that his \$500 application fee would not be refunded, due to expenses incurred by the city.

Both Mr. Gex and the Planning and Zoning Commission agreed to withdraw the case.

- II. Case No. 2013-07-David Malley- Variance request for Fairway Villas for rear yard setback from 20ft to 10ft, side yard setback from 10ft to 5ft, overall density will be less than what the County had approved but will still need a variance, variance on front yard setback for golf cart garages (already approved by the county on the original plat) setback to be 12ft instead of 25ft and a variance for

enclosed garages to be located in the front yard (already approved by the county on the original plat) 30 lots located in an R-3 district off Golf Club Dr. and Fairway Villas Circle.

After much discussion by the Commissioners, more information was needed; therefore Mr. Malley's request was tabled. Motion was made by Commissioner Smith and seconded by Commissioner Parker.

Voting was as follows:

Commissioner Catone	Yes
Commissioner Hensley	Yes
Commissioner Lee	Yes
Commissioner Parker	Yes
Commissioner Smith	Yes
Commissioner Garrison	Yes
Commissioner Sislow	Yes

Motion was carried unanimously.

- III. Case No. 2013-06 Diamondhead Real Estate LLC- Zoning Change request from R-2 and R-3 to C-2 to insure that the zoning on the S. side of Diamondhead which permits gaming in an area N. of Airport Dr. complies with Mississippi Law.

Attorney Victor Franckiewicz addressed the commission to clarify that he is here to be an advisor to explain the state's statute and help with the city ordinance as it applies to this case.

Attorney Michael Cavanaugh representing Diamondhead Real Estate LLC, which is a subsidiary of Jacobs Entertainment, began the presentation regarding Jacobs's application for the Zoning Change request. He summarized the documents presented along with the application and introduced David Grunenwald, V.P. of development, and Henry Seoul with Thompson Engineering.

David Grunenwald made a presentation using display boards showing various improvements Jacobs will bring, if approved. He stated that their proposal complies with the new rules of MS Gaming Commission. He also addressed various issues i.e.; revenue, job creation, entertainment.

Once Mr. Grunenwald concluded his proposal he opened the floor for comments and questions from the Commission. There were many concerns and questions presented by all the Commissioners. Mr. Grunenwald addressed their questions, although not to the complete satisfaction of the Commission.

Amanda Traxler, Planning and Zoning Attorney, asked about ownership regarding specific units and cited MS statute. She stated that there is not a petition or ownership of all units therefore rezoning would be difficult.

Public Comments on the case:

Chairman Sislow asked those who were going to address the commission to stand and be sworn in by Lucille Morgan, Court Reporter/ Notary.

Marshall Kyger, Diamondhead POA President presented the findings of a general survey to the commission. This survey was conducted by Diamondhead POA to assess the positions of the POA members regarding the question of a casino on the south side of Diamondhead. The findings showed that 69.5% were in favor, 25.8% were opposed and 4.6% were unsure.

The following Diamondhead residents were opposed to the rezoning:

Attorney Robert Wiygul (representing: Scott Levanway, Nicole Boisdore, Frank Faulstich, Mario Feola, Gordon Walker and Sid Wright (Written comments prepared by: Robert Wiygul, Walter Wiygul & Garside included in the minutes)).

Burl Nelson

Gordon Walker (letter included in the minutes)

Senita Walker

Mario Feola (newspaper article and letter included in the minutes)

Louis Fuchs

Sid Wright

Ed Roundtree

Catherine Konkell

U. Seitz

Leland Taylor

Christi Seitz

Jerilyn Faulstick (letter included in the minutes)

Doug Kibler

Molly Kooney (letter included in the minutes)

Dr. Mary Coyne

Ted McCabe

Frank Faulstick

Nicole Boisdore

The following Diamondhead residents were in favor of the rezoning:

W A Nutting

Bob Marshall

Michael Casano

David Malley

Thurman Williams

Paul Mucho

Eugene English (letter included in the minutes)

Jeff Jassby (letter included in the minutes)

Dick Nolan (letter included in the minutes)

Attorney Victor Franckiewicz advised the commission that in accordance with the P&Z ordinance 2.8.10(A) I & II, no change in the ordinance will be allowed unless there is a change of character of the neighborhood surrounding the property, or an error exists with regard to the original zoning designation of the property. The Commissioners were asked if there was a change of character of the neighborhood or if an error exists with regard to the original zoning of the property? The commissioners were polled regarding these questions. All Commissioners answered no.

After discussion between the Commissioners, Mr. Cavanaugh and Mr. Grunenwald, the Commissioners voted to recommend denial of rezoning R-2 and R-3 to C-2. Motion was made by Commissioner Catone and seconded by Commissioner Garrison.

Voting was as follows:


Commissioner Catone	Yes
Commissioner Hensley	Yes
Commissioner Smith	Yes

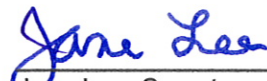
Commissioner Garrison    Yes  
Commissioner Parker    Yes  
Commissioner Lee    Yes  
Commissioner Sislow    Yes  
Motion was carried unanimously.

8. Open Public Comments- The following residents thanked the Commission for their vote: Leland Taylor, Earl Nelson, Jerilyn Faulstick, Ted McCabe, Irene Mills.
9. Commissioners Comments- Commissioner Sislow announced that he was resigning as Chairman and Jane Lee was voted in unanimously as the new Chairperson.
10. Communications/Announcements- none presented.
11. Adjourn or Recess- Meeting was adjourned at 5:56 p.m. with motion from Commissioner Smith and seconded by Commissioner Hensley. Motion was carried unanimously. The next regularly scheduled meeting is Wednesday July 31, 2013 at 2:00 p.m. at City Hall Council Chambers.

Respectfully submitted,

Heather Molina,  
Recording Secretary

  
Thomas Sislow, Chairman

  
Jane Lee, Secretary